

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Jorge Alberto REYNOSO-Sandoval,

Defendant

Magistrate Docket No. 08-1108-MJ-1473


COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about **May 10, 2008** within the Southern District of California, defendant, **Jorge Alberto REYNOSO-Sandoval**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
James E. Bailey
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 12th DAY OF MAY 2008


Cathy A. Bencivengo
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Jorge Alberto REYNOSO-Sandoval

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

On May 10, 2008, Border Patrol Agent R. Harbourt of the Boulevard Station was patrolling in the area of Jacumba, California. This area is approximately 30 miles east of the Tecate, California Port of Entry and five miles north of the International Border between the United States and Mexico. This area is commonly frequented by groups of undocumented aliens attempting to further their illegal entry into the United States. At approximately 5:00 A.M. Agent Harbourt was advised by San Diego Sector Dispatch that there was possible alien activity in the area known to Border Patrol Agents as Carrie's Mountain.

Upon arriving at a location north of Carrie's Mountain, Agent Harbourt observed a red Ford F-250 heading eastbound on I-8 from the road leading north from an area known to be used by illegal alien smugglers to further the entrance of illegal aliens into the interior of the United States. Agent Harbourt approached the vehicle in a marked U.S. Border Patrol Vehicle and noticed approximately seventeen individuals attempting to conceal themselves in the rear of the truck. Additionally, Agent Harbourt noticed that the truck was covered in dirt and had numerous scratches, which is consistent with vehicles that cross the border in this area as vehicles must drive through thick brush to reach the border area. Agent Harbourt then had dispatch run vehicle registration and stolen vehicle checks on the red F-250 with the California license plate number. Immediately following this, the driver of the vehicle pulled to side of the road and immediately put the truck in reverse in an attempt to ram Agent Harbourt and his vehicle. At that point, Agent Harbourt placed his vehicle in reverse in an attempt to avoid being hit and was forced to proceed westbound for approximately one quarter mile. The vehicle then proceeded east-bound towards El Centro.

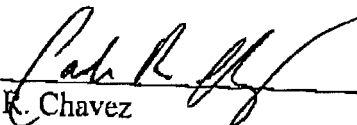
The vehicle then headed eastbound on I-8 until reaching mile marker 18 where the vehicle was abandoned in the median between the east and west bound lanes. Upon arrival on scene, Agent Harbourt found only foot sign leading north of I-8.

A search of the immediate area revealed a total of eighteen individuals north of the vehicle, seventeen of which were hiding northeast of the vehicle including one later identified as **Jorge Alberto REYNOSO-Sandoval**. All subjects were apprehended by Agent Harbourt and questioned as to their citizenship. Each subject freely admitted to being nationals and citizens of Mexico and none of them possessed any immigration documents that allowed them to be admitted to, work, remain, or be paroled into the United States. All subjects were arrested and transported to the Boulevard Border Patrol Station.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on March 17, 2008 through Calexico, California. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.


CONTINUATION OF COMPLAINT:
Jorge Alberto REYNOSO-Sandoval

Executed on May 11, 2008 at 9:00 a.m.



Carlos R. Chavez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 2 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on May 10, 2008, in violation of Title 8, United States Code, Section 1326.



Cathy A. Bencivengo
United States Magistrate Judge

5/11/08 @ 9:20 am
Date/Time